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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,960	12/31/2001	Andrew V. Anderson	42390.P9765X2	1569

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

JAROENCHONWANIT, BUNJOB

ART UNIT PAPER NUMBER

2143

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

87

Office Action Summary

Application No.

10/039,960

Applicant(s)

ANDERSON ET AL.

Examiner

Bunjob Jaroenchonwanit

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 26-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 26-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/22/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on 01/05/2005 has been entered.

2. In light of newfound art, the previous allowance is, hereby, withdrawn, claims 1-22 and 26-38 are pending for examination. Newly rejection, (based on the examiner amendment) are stated below.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-6, 8, 11-22, 26, 27, 29-32, 34 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz et al (US.2003/0046421) and Avitan (US. 2003/00178546).

5. Regarding claims 1, 11 and 34, Horvitz discloses a method, a computer readable medium comprising instruction and a digital assistant, e.g., computing device ("system", hereinafter), comprising, steps, means and executable instructions for:

receiving information of an event, (Fig. 1, Fig. 27);

determining the level of importance of the event relative to a first person (§ 9, 11, 14-15, 65); and

if the event has level of importance greater than a first threshold, and a level of importance that is below a second predetermined threshold, then taking action without contact

Art Unit: 2143

any person (the system employed threshold level for determining appropriate actions to be taken, e.g., such as sending notification without contact any one when threshold level is greater than 85 and less than maximum or send notification without contact any person when threshold level equal or higher than 95 and equal or below maximum, Fig. 23-26; ¶ 17, 74-75, 83 and 105; threshold range Fig. 11-12, ¶ 11, 16, 69, 74, 76-78, 90, 103, 105, 108-108, 110, 112, 25, 275-277 and 279-380; claims, 7, 8, 52, 70, 72-73, 80-83).

Horvitz does not explicitly disclose its' system includes a feature of selecting a person or a group of person to contact and attempting to contact the same, without contacting any person.

However, in the same field of endeavor, Avitan teaches a wireless mobile computing telephone dialer, e.g., a digital assistant, for dialing telephone to contact a person or a group of person and attempting to dial the numbers to contact a person or a group of persons without contacting any one (Avitan, abstract; 104 - Fig. 1; 200-Fig. 2; ¶ 4-5, 8-9, 28-33). Thus, it would have been obvious to one of ordinary skilled in the art at the time of the invention was made to expand Horvitz's application with a digital assistant's automatically dialing, without intervention from any user as suggested in Avitan, in order to enhance user convenience, reducing time consuming and error prone manual activity (Avitan, ¶ 8-9).

6. Regarding claims 18, 22, 26-27, 29 and 36-37, in addition, Horvitz-Avitan further discloses, capability of learning from feedback and adaptation in an appropriate way in according to the learning process, setting rule, implementing routing criteria in accordance with feedback from a client terminal, learning that the sent message failed to reached the user because he or she is away from the client device, and redirect the message to another specified client device , i.e., receiving failure in attempt to contact and determining a new appropriate course of action

Art Unit: 2143

(Horvitz, block 88-Fig. 1, profile setting and adjustment, fig. 2, altering option Fig. 3, ¶ 14, 67-71, 103,-108).

7. Regarding claims 2, 12, 19 and 30, Horvitz-Avitan further discloses, comparing the subject of the event to a list of subjects of interest to the first person, (Horvitz, ¶ 100, 111, 219).

8. Regarding claims 3, 13, 20 and 31, Horvitz -Avitan discloses, referring to information concerning the timing of activities in which a person is engaged, (Horvitz, ¶ 100, 111, 219).

9. Regarding claims 4-5, 14-15, 21 and 32, Horvitz-Avitan discloses, referring to information concerning the current location of a person, (Horvitz, Fig. 23-25; ¶73, 115, 263, 264, 270-271, 281 and 289).

10. Regarding claims 6, 8, 16 and 17, Horvitz-Avitan discloses, the system capable of located user, device whereabouts, i.e., current location of a person is provided by a device carried by the at least one person, (Horvitz, Fig. 34).

11. Regarding claims 38, Horvitz-Avitan discloses, taking action without contact any person, e.g., the system employed threshold level for determining appropriate actions to be taken, e.g., such as sending notification without contact any one when threshold level is greater than 85 and less then maximum or send notification without contact any person when threshold level equal or higher than 95 and equal or below maximum, (Horvitz, Fig. 23-26; ¶ 7, 74-75, 83 and 105).

12. Claims 7, 9, 10, 28, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz-Avitan, as applied to claims 1, 18, 29 and 34, and further in view of what was well known in the art.

13. Regarding claims 7, 9 and 10, Horvitz-Avitan discloses the invention substantially, as claimed, as described in claim 6, but Horvitz-Avitan does not explicitly include implementation

Art Unit: 2143

of GPS device to locate a person. Official Notice is taken (see MPEP 2144.03) that using GPS device to specify location of a person was well known and widely implemented in the art at the time of the invention was made. Thus, it would have been obvious to one of ordinary skilled in the art at the time of the invention was made to expand a system that readily has a capability of locating user or any device carried by the user, such as suggested in Horvitz e.g., observing feedback from keyboard, mouse activity, or deriving user or device locations from predefined profile, by including a well-known device such as GPS to expand the utility ability and simplification of the system. The motivation to include the GPS device would to enhance system capacity, adaptability and competitiveness in the commercial market.

14. Regarding claims 28, 33 and 35, Horvitz-Avitan discloses the invention substantially, as claimed, as described in their base claims, including event detection and redirect notification when message failed to reach the designate destination, user or device, but it is silent to applying such event detection in a case of one may choose not to respond. However, applying Horvitz system toward any desirable way include one who desire not to response is clearly not an invention, it merely an implementation choice, in which a notice in the art can modified with a minor attempt to apply in accordance with fluid situation.

15. In response to the information disclosure statement (IDS) submitted on 02/22/05 was filed along with the request for continued examination on 02/22/05. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement. These references were considered and cited in PTO 892, previously. However, Examiner's further comments regard to the IDS filed is as followed:

Shay et al. (US 2002/0194045), teaching related to a system for allocate and deallocate resource, which is capable of identifying a person or software capability and assigning the person or the software to handling the task. Although, Shay somewhat related to the instant invention and is in the same field, however it failed to teach an essential combination of the claimed inventions. That is having a digital assistant, which in light of the specification intended for a PDA and/or similar portable computing devices (Spec. paragraph 9), functioning as task assignor. The digital assistant, to accomplish such task, within the digital assistant, comprises with essential combination of an event detector functioning in conjunction with an agent selector (see fig. 1). The agent selector in conjunction with the event detector, also includes essential function, such as the capability of making determination the level of importance of each event detected, comparing the importance level with predetermined thresholds and commanding the assistant to contact or attempt to contact a designated person or a group of designates persons, as claimed therein.

Fano et al. (US 2002/0133545), too teaches an digital assistant device which is capable of performing various task assignment, determining location, including capability of detecting user context and selecting available service, etc. Fano does not slightly suggests the process of making determination and selection by the event detector and the agent selector, which relied upon the threshold level of importance of the detected event, as claimed, therein.

Kawamata (US. 6,334,140), teaches similar mechanism is used for detecting and selecting mail based on priority, but there is no suggestion implicitly or explicitly to suggest such concept is or should be applied for selecting a person or a group of person to performing task.

Anderson (US 20020178226 and 2002/0178222) is application and parent application.

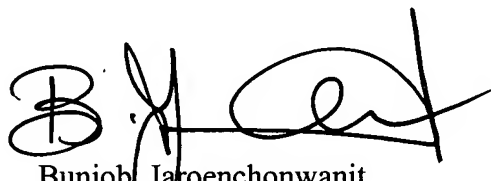
Art Unit: 2143

Dedrick, (US.5,717,923); Polcyn (US. 6,058,415); and Doherty et al (US. 5,333,184), teaches e-mail system which are remotely related to the invention as claimed, therein.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (571) 272-3913. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bunjob Jaroenchonwanit
Primary Examiner
Art Unit 2143

/bj
06/24/2005